

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

THE STATE OF VERMONT,

Plaintiff,

v.

EVERNORTH HEALTH, INC., et al.,

Defendants.

Civil Action No. 2:24-cv-1103
Hon. Mary Kay Lanthier

Oral Argument Requested

DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Defendants Evernorth Health, Inc., Express Scripts, Inc.; Express Scripts Administrators, LLC; ESI Mail Pharmacy Service, Inc.; Medco Health Solutions, Inc.; Express Scripts Pharmacy, Inc.; Accredo Health Group, Inc.; Ascent Health Services LLC; CVS Health Corporation; CVS Pharmacy, Inc.; Caremark Rx, L.L.C.; CaremarkPCS Health, L.L.C.; Caremark, L.L.C.; Zinc Health Ventures, L.L.C.; Zinc Health Services, L.L.C.; Caremark Arizona Specialty Pharmacy, L.L.C.; Caremark California Specialty Pharmacy, L.L.C.; Caremark Florida Specialty Pharmacy, L.L.C.; Caremark Illinois Specialty Pharmacy, L.L.C.; Caremark Kansas Specialty Pharmacy L.L.C.; Caremark Massachusetts Specialty Pharmacy, L.L.C.; Caremark Michigan Specialty Pharmacy, L.L.C.; Caremark New Jersey Specialty Pharmacy, L.L.C.; Caremark North Carolina Specialty Pharmacy, L.L.C.; and Caremark Tennessee Specialty Pharmacy, L.L.C. (collectively, "Defendants")¹ request that the Court dismiss with prejudice the Plaintiff State of Vermont's First

¹ Several Defendants—including Evernorth Health, Inc.; Express Scripts Administrators, LLC; ESI Mail Pharmacy Service, Inc.; Express Scripts Pharmacy, Inc.; Ascent Health Services LLC; CVS Health; CVS Pharmacy, Inc.; Caremark Rx, L.L.C.; CaremarkPCS Health, L.L.C.; Caremark, L.L.C.; Caremark Arizona Specialty Pharmacy, L.L.C.; Caremark California Specialty Pharmacy, L.L.C.; Caremark Florida Specialty Pharmacy, L.L.C.; Caremark Illinois Specialty Pharmacy, L.L.C.; Caremark Kansas Specialty Pharmacy L.L.C.; Caremark Massachusetts, L.L.C.; Caremark

Amended Complaint, ECF No. 26, for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Defendants' Motion is supported by the Memorandum of Law filed simultaneously herewith.

Oral Argument Requested

Defendants respectfully request oral argument on this Motion given the complexities of the industry at issue and the intricacies of the arguments that follow.

Dated: April 15, 2025

Respectfully submitted,

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Michigan Specialty Pharmacy, L.L.C.; Caremark New Jersey Specialty Pharmacy, L.L.C.; Caremark North Carolina Specialty Pharmacy, L.L.C.; Caremark Tennessee Specialty Pharmacy, L.L.C.; Zinc Health Ventures, L.L.C.; and Zinc Health Services, L.L.C.—previously moved to be dismissed from this action for lack of personal jurisdiction. See Defendants' Motions to Dismiss for Lack of Personal Jurisdiction, ECF Nos. 71, 72. This Motion incorporates and is made without waiver to those arguments.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 15, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties in this case by operation of the Court's CM/ECF system. Parties may access this filing through the Court's CM/ECF system.

/s/ Gina M. Puls
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